

PATRICIA CAMERON, VS. DARRELL J. CAMERON,
C.P. Franklin County Branch, No. F.R. 1994 - 642

Annulment- previous marriage- pending divorce action

1. Annulment in Pennsylvania marriage will be granted where husband is still validly married through prior foreign marriage to another woman.
2. Prior valid foreign marriage renders subsequent Pennsylvania marriage void.
3. Prior marriage remains valid despite pending divorce action where no final decree of divorce is entered.

Bradley Griffie, Esq., Attorney for Plaintiff
Darrell J. Cameron, in Propria Persona, for the Defendant

OPINION AND DECREE IN ANNULMENT

WALKER, P.J., September 14, 1995:

Findings of Fact

This case concerns the validity of the marriage of Patricia Cameron and Darrell J. Cameron, and the annulment through decree of invalidity under 23 Pa.C.S.A. §§ 3303, 3304(a)(1). The evidence before the court in the hearing on this matter was uncontradicted. The respondent, Darrell J. Cameron, was duly notified of the proceedings but failed to attend and present evidence. The evidence before the court shows that Darrell J. Cameron was validly married to Christine Cameron on November 5, 1976 in Macon County, Alabama prior to the presumed marriage to Patricia.

Darrell had begun divorce proceedings in this county to end the Alabama marriage, but he did not prosecute that action, which remains dormant (*Cameron v. Cameron*, F.R. 1993--269; the last docket entry is in August 1993). Therefore, the court must presume the first marriage remains valid. *Cf. In re D'Ippolito's Estate*, 420 Pa. 541, 543, 218 A.2d 224, 225 (1966).

Discussion

The existence of a valid prior marriage renders any subsequent attempt to marry void under 23 Pa.C.S.A. § 3304(a)(1). Since the marriage is deemed void under that section, the court may enter a decree in annulment pursuant to 23 Pa.C. S.A. §3303 (a), declaring the alleged marriage between the parties void. *Faivre v. Faivre*, 182 Pa.Super. 365,128 A.2d 139 (1957) [predecessor statute].

Accordingly, a prior valid marriage being shown between Darrell Cameron and Christine Cameron, the present marriage must be considered void.

DECREE IN ANNULMENT

September 14, 1995, upon consideration of the testimony presented in this case on Thursday, May 18, 1995, and upon consideration of legal precedents provided by counsel for the plaintiff;

IT IS HEREBY ORDERED AND DECREED that the alleged marriage of Patricia Cameron and Darrell J. Cameron is hereby annulled as a void marriage pursuant to 23 Pa.C.S.A., §3304(a)(1).